

REMARKS

I. Introduction

With the withdrawal from consideration of claims 21 to 33, claims 1 to 20 are now pending and being considered in the present application. Claim 20 has been amended herein to depend from claim 11 (brackets indicating deleted text and underlining indicating added text). No new matter has been added.

In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

Applicant thanks the Examiner for indicating that claims 3 to 7 and 12 to 17 include allowable subject matter.

II. Interview Summary

Applicant thanks the Examiner for the courtesies extended during the telephone interview of November 8, 2007 between Examiner Chavis and Applicant's representative, Aaron Grunberger (Reg. No. 59,210).

The following is a Statement of Substance of Interview of the telephone interview of November 8, 2007.

During the course of the telephone interview, in response to the Examiner's requirement of restriction between Group I, including claims 1 to 20, and Group II, including claims 21 to 33, Applicant's representative elected Group I, including claims 1 to 20 and indicated that claims 21 to 33 should be withdrawn from consideration.

III. Rejection of Claims 8, 18, and 20 Under 35 U.S.C. § 112

Claims 8, 18, and 20 were rejected under 35 U.S.C. § 112, ¶ 2 as assertedly indefinite.

Claim 8 depends from claim 1, which recites automatically detecting dependencies. Claim 8 further recites an additional step of manually detecting dependencies. Thus, claim 8 requires both the automatic detection and the manual detection. Accordingly, the claim is believed to be clear, give rise to no ambiguity, and therefore definite.

Claim 18 depends from claim 11, which recites means for automatically detecting dependencies. Claim 18 further recites additional means for manually detecting dependencies. Thus, claim 18 requires both means for automatic detection and means for

manual detection. Accordingly, the claim is believed to be clear, give rise to no ambiguity, and therefore definite.

Claim 20 has been amended herein without prejudice to depend from claim 11 in order to correct the typographical error, thus obviating the present rejection with respect to claim 20.

Withdrawal of the present rejection under 35 U.S.C. § 112, ¶ 2 of claims 8, 18, and 20 is therefore respectfully requested.

IV. Rejection of Claims 11 to 20 Under 35 U.S.C. § 101

Claims 11 to 20 were rejected under 35 U.S.C. § 101 as assertedly being directed to non-statutory subject matter.

Contrary to the assertion in the Office Action, claims 11 to 20 recite features of an apparatus. Claims 11 to 20 are written as means-plus-function claims, which should be interpreted according to 35 U.S.C. § 112, ¶ 6 as including the corresponding structure described in the specification and equivalents thereof. Therefore, claims 11 to 20 should be interpreted as including computer circuitry programmed to perform the functions recited in the claims and equivalents thereof. *See In re Noll*, 545 F.2d 141, 148-150, 191 U.S.P.Q. 721, 727 (CCPA 1976).

Accordingly, claims 11 to 20 satisfy the requirements of 35 U.S.C. § 101. Withdrawal of the present rejection under 35 U.S.C. § 101 is therefore respectfully requested.

V. Objection to the Specification

The Specification has been amended herein to remove browser-executable code, thus rendering the present objection moot.

VI. Objection to the Abstract

The Abstract has been amended herein to include no more than 150 words, thus rendering the present objection moot.

VII. Rejection of Claims 1, 2, 8 to 12, and 18 to 20 Under 35 U.S.C. § 103(a)

Claims 1, 2, 8 to 12, and 18 to 20 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 7,143,108 (“the George reference”) and U.S. Patent No. 6,820,101 (“the Wallman reference”). It is respectfully submitted that the combination of the George and Wallman references does not render unpatentable any of

claims 1, 2, 8 to 12, and 18 to 20, and the present rejection should be withdrawn, at least for the following reasons.

Independent claim 1 relates to a method for optimizing dependencies for a set of objects. Neither of the cited references relate to optimizing dependencies. The George reference relates to a method of deleting records (also referred to by the George reference as objects). For deletion of records, the method of the George reference determines dependencies between tables of a database based on JDBC database metadata. According to the table dependencies, the method of the George reference determines whether deletion of a record of one of the tables requires deletion of a corresponding record in a table linked to the table that included the record being deleted. *See, e.g.*, the George reference, at column 8, line 24 to column 9, line 28. Nowhere does the George reference disclose a method of optimizing the dependencies determined based on the JDBC database metadata, and therefore does not disclose any of the features recited in claim 1.

The Wallman reference refers to a method of freeing up memory blocks that were used for instantiated objects that are no longer used. The method includes determining whether an object is referenced. If it is determined that an object is no longer referenced, then the memory block used for the instantiated object is freed up. This method has nothing to do with optimizing dependencies. Indeed, nowhere does the Wallman reference disclose a method for optimizing dependencies, and therefore does not disclose any of the features recited in claim 1.

Further, claim 1 recites *removing dependencies from said dependency list for any object that does not also have at least one file dependency*. The Office Action asserts that this feature is inherently disclosed in the George reference since the George reference refers to deleting child objects when parent objects are deleted. However, the deletion of the child objects in the George reference has nothing to do with deleting dependencies. The dependencies of the George reference are not between records, and thus not between the parent and child objects discussed in the George reference. Instead, the dependencies are between tables. The tables for which the dependencies are generated include many records. When a record of one of the tables is deleted, the dependencies are used to determine whether any records of another of the tables are also to be deleted. Even with deletion of the parent and child records, there is no reason to delete the table dependencies. Indeed, the dependencies between the tables are not indicated to be deleted and are not inherently deleted.

The Office Action further asserts that it would have been obvious to modify the George reference to include this feature in view of the Wallman reference since the Wallman reference discloses the freeing up of memory blocks when an object is no longer referenced. As an initial matter, as set forth above, the Wallman reference is unrelated to optimizing dependencies, and the deletion step in the Walman reference does not disclose removing dependencies from a dependency list. Since neither of the George and Wallman references discloses removing dependencies from a dependency list, a combination of the George and Wallman references to disclose this feature necessarily requires an improper hindsight reconstruction based on Applicant's disclosure.

Specifically, even if the method of the George reference is modified to include the features of the Wallman reference, the resulting method would merely include the step of freeing up a blocks of memory that previously included parent and child records that are deleted in the George reference in accordance with the dependencies generated based on the JDBC database metadata. One skilled in the art would not further modify the method of the George reference to include modification of the generated dependencies themselves in view of the Wallman reference, since neither of the references relates to modification or optimization of dependencies and neither of the references discloses removing dependencies from a dependency list.

Furthermore, deletion of a parent record and a child record from tables does not change dependencies between the tables from which the records were deleted. Thus, one would not modify the table dependencies of the George reference in response to the deletion of the records.

For all of the foregoing reasons, the combination of the George and Wallman references does not disclose or suggest all of the features of claim 1, so that the combination of the George and Wallman references does not render unpatentable claim 1 or any of its dependent claims, e.g., claims 2 and 8 to 10.

Independent claim 11 includes subject matter analogous to that of claim 1, so that claim 11 and its dependent claims, e.g., claims 12 and 18 to 20, are allowable for at least essentially the same reasons as claim 1.

Withdrawal of this obviousness rejection is therefore respectfully requested.

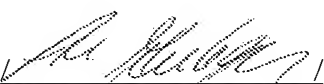
VIII. Conclusion

In view of the foregoing, it is believed that any outstanding rejections of the claims should be withdrawn. Accordingly, it is respectfully submitted that all of the pending claims are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

Although not believed necessary, the Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

Respectfully submitted,
KENYON & KENYON LLP

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